REMARKS

Claims 5, 8-10, 18, 19, and 23-30 are pending in the application. Claims 5, 18, 23, 24, 26, and 30 have been amended. Support for the claim amendments can be found in Applicant's disclosure as published in United States Patent Publication No. 2005/0102500, specifically at paragraphs [0010], [0021], [0022], and [0027]; and in Figures 1 and 2. Applicant respectfully requests reconsideration of the pending claims in light of the amendments and the following remarks.

CLAIM OBJECTIONS

The Office Action objected to claims 24 and 30 for minor formal issues. Therefore, the claims have been amended to provide antecedent and correct the dependency.

CLAIM REJECTIONS UNDER 35 USC 101

The Office Action rejected claims 23-25 under 35 USC 101 as directed to non-statutory subject matter. The Office Action contends that these claims could be interpreted as being directed as software *per se*. Applicant respectfully traverses this conclusion. Although claims during examination are given their broadest **reasonable** interpretation in order to facilitate precision in claiming, that interpretation must be "consistent with the specification, [and] claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art.[emphasis added]" *In re Bond*, 910 F.2d 831, 833 (Fed. Cir. 1990); see also *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) ("[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of

ordinary skill in the art in question."). In this case, it is not a reasonable interpretation to interpret claim 23 as being directed to a program *per se*. The claim element "an output for transmitting, via the Internet using HTTP, and MQSeries Internet Passthrough, the encrypted high level business data to the server acting as a hub in another hub and spoke integration system; and running the target application, wherein the system and the target server are separated by the at least one firewall" cannot be performed by mere software. The transmitting step requires some machine or apparatus to perform the transmission. A program *per se* cannot perform what is claimed.

Claim 23 has been amended to further recite a memory device which stores a software agent; and an input/output interface that performs the transmission. Support for this amendment is found at Figure 3, block 304 (memory device) and I/O interface block 306. See Applicant's specification at paragraph [0027], Pub. No. US 2005/0102500 A1. It should be noted that Figure 3 shows a system that comprises computer machine components because "the system can be **programmed** to operate as a server or agent or can **host** an application."

Moreover, the rejection is also based on the alleged failure to produce any useful and tangible results. Claims 24 -25 inherit the limitations of claim 23 and hence relate to patentable subject matter.

The useful and tangible result produced by the use of the subject matter of claim 23 is "integrating applications in different enterprises …" The definition below shows this to be a highly useful, tangible, and practical result.

The *Computer Desktop Encyclopedia* defines "application integration" as:

"(1) Translating data and commands from the format of one application into the format of another. It is essentially data and command conversion on an ongoing basis between two or more incompatible systems.

Implementing application integration has traditionally been done by tedious programming, or occasionally one package might support the interfaces of one or two other packages. However, the trend today is to use message brokers, applications servers and other specialized integration products that provide a common connecting point. Since the advent of the Web, these prepackaged "middleware" solutions have become widely used to Web enable the enterprise. See messaging middleware, middleware, application server, integration server and application adapter. (2) Redesigning disparate information systems into one system that uses a common set of data structures and rules." Freedman, *Computer Desktop Encyclopedia, 9th Edition,* Osborne/McGraw-Hill (2001).

CLAIM REJECTIONS UNDER 35 USC §103
The Office Action rejected claims 5, 8-10, 18-19, and 23-30 under 35 USC 103(a)

as being unpatentable over Grovit (Pub. No. US 2003/0074310B1) and further in view of Arnone et al. (US Pub 20070255957).

Claim 5 requires "transmitting, via the Internet using HTTP, and MQ Series Internet Passthrough (MQ IPT)." MQ IPT is a well-defined protocol that is more specific than a generic pass-through. See http://www-01.ibm.com/support/docview.wss?rs=171&uid=swg24006386 or www.mail-archive.com/mqseries@akh-wien.ac.at/msg13847.html. The Office Action admits that Grovit does not disclose the claimed step of "transmitting, via the Internet using HTTP, and MQ Series Internet Passthrough, and through the firewalls at each end of the Internet, the encrypted MQ message to a server, acting as a hub in another hub and spoke integration system;

running a destination application program for processing of the data" but contends that Arnone teaches this step. However, the Office Action says nothing about where this limitation can be found and a close analysis of Arnone reveals that Arnone says nothing about using the MQ IPT protocol.

Claim 5 has been amended to require that the high level business data must traverse two demilitarized zones in order to reach its destination. Grovit and Arnone do not teach or suggest this requirement.

Claims 8-10 are dependent on claim 5 and are therefore not unpatentable over Grovit in view of Arnone for at least the same reasons that claim 5 is not unpatentable over the cited references.

Claim 18 has been amended similarly to claim 5 and therefore is not rendered obvious by the cited prior art. Claim 19 is dependent on claim 18 and is therefore not unpatentable over Grovit in view of Arnone for at least the same reasons that claim 18 is not unpatentable.

Claim 23 is a system counterpart to claim 5 and contains the same limitations that are not found in Arnone and Grovit; therefore claim 23 and its dependent claims 24 and 25 are not unpatentable over the cited references.

Claim 26 is a counterpart to claim 5 and contains the same limitations that are not found in Arnone and Grovit; therefore claim 26 and its dependent claims 27-30 are not unpatentable over the cited references.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests allowance of the pending

claims. The Director is hereby authorized to charge any fees which may be required, including

any petition for extension of time fees under §1.17, or credit any overpayment, to Deposit

Account Number 50-0510.

Respectfully submitted,

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